

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0574
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot CP SP 12989, 19 - 23 The Corso MANLY NSW 2095
Proposed Development:	Change of use to a pub, alterations and additions to the premises, fitout and signage
Zoning:	Manly LEP2013 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Proprietors of Strata Plan 12989
Applicant:	Hilrok Properties Pty Ltd

Application Lodged:	05/06/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	25/06/2019 to 09/07/2019
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 860,200.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Change of use from retail shop to pub (gaming room);
- Changes to The Corso and Market Lane facades;
- Rear extension;
- New signage;
- Internal fitout; and
- Hours of operation: Between 5am and 5am the following day Monday to Saturday, and between 5am and 12 midnight on Sunday, with a six hour closure period between 3am and 9am.

The proposed hours of operation are purported to be consistent with Council approval. The most recent

consented hours for the players lounge are found to be 7:00am to 1:00am (following day) daily. A condition of consent has been applied accordingly.

The proposed development does not intensify the use of the site as a pub, as the existing gaming room at 31 The Corso will close upon relocation to 19-23 The Corso. This matter is addressed via condition of consent.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Manly Development Control Plan - 4.2.5.4 Car Parking and Access

Manly Development Control Plan - 4.4.3 Signage

Manly Development Control Plan - 4.4.4.1 Awnings in LEP B1 and B2 Business Zones

SITE DESCRIPTION

Property Description:	Lot CP SP 12989 , 19 - 23 The Corso MANLY NSW 2095
Detailed Site Description:	<p>The Assessing Officer carried out a site visit on 17 July 2019.</p> <p>The subject site consists of three (3) allotments located on the north-western side of The Corso, Manly (Nos. 19-21, 23, and 25).</p> <p>The site is regular in shape with a frontage of 23.4m along The Corso and a depth of 29.7m. The site has an area of approximately 697m².</p> <p>The site is located within the B2 Local Centre zone and accommodates a retail premises and a pub.</p>

The site is level and does not contain vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by mixed use and commercial premises.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- Pre-lodgement Meeting PLM2018/0134 was held on 26 June 2018 to discuss Alterations and Additions to existing building.
- DA2019/0512 for Alterations and Additions to an existing Shop Top Housing Development is currently under assessment.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan 2013 applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, allow Council to request additional information. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan 2013 section in this report.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Paul Robert Jules Gilet	12 / 38 - 42 The Corso MANLY NSW 2095
Mrs Margaret Wendy Gilet	Po Box 1103 MANLY NSW 2095

The following issues were raised in the submissions and each have been addressed below:

- Concern regarding additional noise generation.
- Windows and doors need to be acoustically treated and closed.

The matters raised within the submissions are addressed as follows:

- Noise Concerns
Comment:
The proposed development is supported by an acoustic report, prepared by Koikas Acoustics.

This report demonstrates the proposed use of the premises as a pub (gaming room) will not be audible at the nearest residential receivers, subject to inclusion of the recommendations within that report. Conditions of consent have been applied in this regard. As such, acoustic treatments beyond those recommended within the report are not necessary. The proposed development has been reviewed by Council's Environmental Health Officer, who is supportive of the proposal, subject to conditions of consent.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental Health has made comment (and conditions) relevant to this referral on the Food Premises referral.</p> <p>Recommendation</p> <p>APPROVAL - no conditions (see Food Premises Referral)</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>Environmental Health have examined the proposed development in relation to Food Premises and Industrial referral criteria.</p> <p>In summary:</p> <p>Food preparation areas are not impacted.</p> <p>Noise as determined by Koikas Acoustic Pty Ltd report 13 May 2019 will not be audible to the nearest residential receivers.</p> <p>No designated open air smoking areas are proposed.(i.e no smoke to adjoining residents)</p> <p>Therefore we have no objections. subject to acoustic treatments proposed.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Development Engineering)	<p>Development Engineering has no objection to the application subject to the following conditions of consent.</p>
Property Management and	<p>The proposal is for alterations and additions to the existing pub to</p>

Internal Referral Body	Comments
Commercial	<p>create a new gaming room.</p> <p>Property has no objection to the proposal as submitted.</p>
Strategic and Place Planning (Heritage Officer)	<p>Proposal is unacceptable, because it fails to comply with relevant controls – particularly as per the Manly DCP 2013 heritage section – Clauses 3.2.1.1 and 3.2.2.1 .</p> <p>Further to a review of the available documents and site visit, the site of proposed development is listed as a heritage item in its own right, known as Ivanhoe Hotel, and located in the “Town Centre Conservation Area” which is listed in Schedule 5 of the Manly LEP 2013 (sometimes referred to as The Corso conservation area). It is also in the vicinity of a series of heritage items.</p> <p>The proposal is assessed against Manly LEP 2013, and found to not comply with its provisions, most notably (but not limited to) the following controls:</p> <p>3.2.1.1 Development in the vicinity of heritage items, or conservation areas</p> <p>b) Proposed development in the vicinity of a heritage item or conservation area must ensure that:</p> <p>iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.</p> <p>Comment: the subject building in its current form is a highly visually intrusive element, with a number of highly reflective materials. The proposal is to add further to this effect, not least by including promotional messages. The applicants are aware of SEPP 64 and quote: “The aim of SEPP 64 is to ensure that proposed signage is compatible with its surroundings, provides effective communication in suitable locations and is of high quality design and finish. The Application complies with the controls in that the signage is of high quality and can assist with wayfinding for pedestrians and passing traffic” – but it is not clear if the proponents believe that refers to creating way-finding to their premises and gambling parlour? In my opinion, the applicant should only be entitled to two signs per frontage – one identifying business name, the other identifying business type.</p>

Internal Referral Body	Comments
	<p>c) The impact on the setting of a heritage item or conservation area is to be minimised by:</p> <p>i) providing an adequate area around the building to allow interpretation of the heritage item;</p> <p>Comment: no interpretation is included in this proposal.</p> <p>3.2.2 Alterations or Additions to Heritage Items or Conservation Areas</p> <p>3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance</p> <p>a) Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.</p> <p>Comment: the proposal retains some of the most intrusive elements (e.g. The Corso frontage of the ground floor), it attempts to create signage in all possible areas (even on Market Lane), yet it fails to incorporate any visible improvement of the heritage character of the building.</p> <p>4.4.3.1 Controls for all Development Types</p> <p>Excessive signage</p> <p>b) Excessive signage usually has an opposite effect to its original intention. The cluttering causes visual pollution and confusion to the observer. Having fewer, but clearer advertising assists not only the advertiser, but also the appearance of the building and the overall streetscape. Excessive signage tends to have a “domino effect”, by competing with neighbouring premises in order to gain the advantage in exposure.</p> <p>Comment: Self-explanatory.</p>

Internal Referral Body	Comments
	<p><u>Assessing Officer's Comment:</u></p> <p>In response to the above comments made against Clause 3.2.1.1 (b) (iii), the proposed development consists of painted render, timber, and glazing. These materials are consistent with the existing Ivanhoe Hotel and surrounding developments, indicating consistency with the streetscape along the Corso. Further, an amended signage plan has been received, removing the promotional signage from the windows, and replacing them with graphics featuring the suits from a deck of cards. The proposal retains only two signs per frontage, being way-finding signs, identifying the players lounge of the Ivanhoe Hotel.</p> <p>In response to the above comments made against Clause 3.2.1.1(c) (i), it is difficult for the site to provide area for interpretation of the building, as the existing building (and all other buildings along the Corso) is built with nil setbacks to each side, and virtually nil setbacks to the front and rear. Instead, the proposal demonstrates consistency in architectural style and design to the remainder of the Ivanhoe Hotel development. In this way, the proposal presents an improvement in terms of visual quality of the building from the existing use, being a chemist with various bright colours and material along the frontage.</p> <p>In response to the above comments made against Clause 3.2.2.1(a), the proposal includes one fascia sign, one under-awning sign and one small lightbox on the southern elevation, and one small lightbox on the northern elevation. While three signs on one frontage is a numerical non-compliance, the proposed signage is acceptable on merit, as detailed in the section of this report relating to Clause 4.4.3 Signage of the MDCP 2013. As such, this is not considered to overcrowd each frontage, nor present excessive signage. The proposal presents a significant visual improvement to the existing facade of the building, which currently includes bright colours and materials advertising the existing chemist use.</p> <p>In response to the above comments made against Clause 4.4.3.1, as above, the proposal does not include excessive signage for the site.</p>
Traffic Engineer	<p>The proposed development is for a change of use from shop to pub. The change of use is unlikely to result in any appreciable increase in traffic generation when compared to the existing uses. It is also noted that both the existing and proposed uses provide for no offstreet parking or loading facilities. As the proposed change in use does not result in an increased parking requirement and as the provision of offstreet parking or loading facilities at this location would impact negatively on pedestrian amenity in the vicinity the lack of parking is not opposed in this instance.</p> <p>It is noted that the application proposes to create a pedestrian entry from the Market Lane frontage of the site into the gaming lounge. The existing footpath on Market lane dips down at the rear of the site and for pedestrian safety and amenity reasons, particularly in view of the new pedestrian access proposed, the footpath should be reconstructed along the rear of the site at a continuous grade to link the existing footpath south of the site with the shared zone north of the site.</p>
Waste Officer	Note - There is no residential component to the DA however I have

Internal Referral Body	Comments
	inserted a condition for the ongoing storage of waste.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The proposal was referred to the NSW Police. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The subject site is zoned B2 Local Centre. The proposed use is permissible within this area. The subject site is located on the pedestrianised Corso and Market Lane, characterised by commercial premises, including shops, cafes and bars. As such, the signage associated with the proposed development is consistent and compatible with the existing and desired future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No specific theme for outdoor advertising exists in the locality. However, the proposed signage is complementary to the colours and finishes of existing development in the street.	Yes
2. Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not classified as, or within the vicinity of environmentally sensitive areas, or rural landscapes. The subject site is attached to heritage-listed Item 106 Group of Commercial Buildings, and is within the Town Centre Conservation Area. The proposed signage does not detract from the amenity or visual quality of nearby open space areas, waterways, or residential areas.	Yes
3. Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not project beyond the building area and therefore does not impact upon the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not unreasonably obscure any other advertisements.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is consistent with other existing comparable uses within the street, and within the zoning of the site, and is therefore appropriate in the streetscape and setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed development and associated signage have been designed in a clear and modern manner, and therefore create visual interest within the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is located only at key points on the building (being adjacent to pedestrian entries) and therefore do not create visual clutter.	Yes
Does the proposal screen unsightliness?	The proposed development does not give rise to unsightliness. The proposed signage is neat and	Yes

	limited to key points on the building.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude beyond the building.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require vegetation management.	Yes
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of compatible scale and proportion to the building and the existing buildings in the street.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract from important features of the site or building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is located logically to achieve an adequate level of exposure, while remaining visually compatible with the building and the streetscape.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage will not require safety devices, platforms or lighting devices, as the signage is lit internally.	Yes
7. Illumination		
Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	Illumination of the proposed signage will not result in unreasonable or unacceptable glare.	Yes
Can the intensity of the illumination be adjusted, if necessary?	Illumination of the proposed signage can be adjusted by technicians, as required.	Yes
Is the illumination subject to a curfew?	The proposed signage will be illuminated for the hours of operation of the pub store only.	Yes
8. Safety		
Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage will not reduce the safety of any public road, pedestrian or cyclist.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure any sightlines, and will therefore not reduce pedestrian safety.	Yes

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m	9.7m	N/A	Yes
Floor Space Ratio	2.5:1 (1,742.5sqm) Plus 0.5:1 per Clause 4.4(2A) of MLEP 2013 Total: 3:1 (2,091sqm)	2.46:1 (1,716sqm) (Not including additional gross floor area proposed under DA2019/0512, currently under assessment)	N/A	Yes
Gross floor area in Zone B2	Min. 25% GFA as Commercial	100%	N/A	Yes
	Max. 1,000sqm per premises	579.7sqm (Ivanhoe) 1,136,3sqm (retail and office tenancies)	N/A	Existing - No Change

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

Clause	Compliance with Requirements
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.16 Gross floor area in Zone B2	Yes
6.21 Noise impacts—licensed premises	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 697sqm	Requirement	Proposed	% Variation*	Complies
4.2.3 Setbacks Controls in LEP Zone B1 and B2	0m	0m	N/A	Yes
4.4.3 Signage	Max. 2 signs per frontage	South: 3 signs	50%	No
		North: 1 sign	N/A	Yes
4.4.3 Signage - Under Awning Sign (South)	Min. 3m from other under awning sign	>3m	N/A	Yes
	Min. 2.6m above ground	2.6m	N/A	Yes
	Max. 2.5m length	1.6m	N/A	Yes
	Max. 400mm width	350mm	N/A	Yes
	Max. 500mm depth	350mm	N/A	Yes
	90 degrees from building face	90 degrees	N/A	Yes
	Secured by post(s) no more than 50mm diameter	50mm	N/A	Yes
4.4.3 Signage - Flush Wall Sign (South and North)	2.6m above ground	South: 1.4m	46.12%	No
		North: 3.4m	N/A	Yes
	Must not project beyond wall laterally or vertically	Wholly on wall	N/A	Yes
	Area max. 3x distance to ground (South: 4.2sqm / North: 10.2sqm)	South: 0.3sqm (0.1sqm per face)	N/A	Yes
		North: 0.394sqm	N/A	Yes
4.4.3 Signage - Fascia Sign (South)	Must not extend more than 300mm from awning	0mm	N/A	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	Min. 3.5m above ground	2.9m	17.14%	No
Schedule 3 Parking and Access	1 space per 4sqm of licensed floor area 93sqm = 24 spaces	0 spaces	100%	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)	Yes	Yes
3.5.6 Energy efficiency/conservation requirements for non-residential developments	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.5.8 Water Sensitive Urban Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes
4.2.1 FSR (Consideration of Exceptions including Arcades)	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	No	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.3 Security Shutters	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.2.5.4 Car Parking and Access	No	Yes
4.2.5.6 Late Night Venues	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.3 Signage	No	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	No	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

The proposed development includes a change of use from a retail premises to a pub, thereby altering parking requirements for the site. As a retail premises, 1 parking space per 40sqm of gross floor area is required (equating to 7 parking spaces for the 245.6sqm existing gross floor area). As a pub, 1 parking space per 4sqm of service area is required (equating to 24 parking spaces for the 93sqm of service area). This equates to difference of 17 spaces. It should be noted that the existing premises does not provide for any vehicular parking, as the site is located on The Corso and Market Lane, which are both accessed by pedestrians only.

Objective 1) To ensure there is adequate provisions for car parking access and loading in future development and redevelopment in all business zones.

Comment:

Council's Traffic Engineer has reviewed the application and is supportive of the change of use, despite the lack of vehicular parking. Council's Traffic Engineer has established that the change of use is unlikely to result in any appreciable increase in traffic generation when compared to the existing use, and that the existing use provides for no off-street parking or loading facilities. Further, given the existing pedestrianised portion of land the site is located on, the provision of off-street parking or loading facilities would impact negatively on pedestrian amenity in the vicinity.

Objective 2) To minimise conflicts between pedestrian and vehicular movement systems within the business areas.

Comment:

As no vehicular parking is proposed in this instance, the proposed development will not result in any conflict between pedestrian and vehicular movement in the B2 Local Centre Zone.

4.2.5.4 Car Parking and Access

The proposed non-compliance in relation to vehicular parking is addressed in the section of this report relating to Clause 4.2.4 of the MDCP 2013.

4.4.3 Signage

The proposed development includes three signs on the southern frontage (being one fascia sign on the awning, one under-awning sign, and one flush wall sign), where the maximum is two. The proposed flush wall sign on the southern elevation is 1.4m above the ground, where the control requires it to be a minimum of 2.6m above ground.

Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.

Comment:

The proposed signage is consistent with the design and style of the existing Ivanhoe Hotel to the north-east of the subject site, as the development proposes to extend the hotel to the subject site. This demonstrates that the signage is complementary to existing development along the Corso, and contributes to the visual quality of the area. The proposed new signage presents an improvement to the existing chemist signage, which consists of bright colours and advertising material.

Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.

Comment:

The subject site is not located within a residential area. The proposed signage serves the purpose of way-finding by identifying the use of this proposed new portion of the Ivanhoe Hotel and is of small dimensions so as not to cause excessive, unnecessary, cluttered or confusing signage.

Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.

Comment:

The proposed signage serves the purpose of identifying the use of this proposed new portion of the Ivanhoe Hotel for the gaming room.

Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.

Comment:

As above, the proposed signage is consistent with the style and design of the remainder of the Ivanhoe Hotel, to the northeast of the subject site. As such, the proposed signage enhances and contributes to the visual quality of the streetscape along the Corso. Additionally, the proposed new signage presents an improvement to the existing chemist signage, which consists of bright colours and advertising material.

Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.

Comment:

The proposed signage is consistent with the remainder of the signage on the heritage item, so does not unreasonably impact on the presentation of the heritage item.

Objective 6) To ensure all signage is of high standards of graphic and textural content.

Comment:

The proposed signage is of a high quality design, is clear, and assists in identifying the use of the site.

Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately

sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.

Comment:

Not applicable. The subject site is zoned B2 Local Centre.

4.4.4.1 Awnings in LEP B1 and B2 Business Zones

Clause 4.4.4.1 of the MDCP provides that awnings are to be a minimum of 3.5m above street level. The proposed development includes an awning 2.9m above the ground along the Corso frontage. Clause 4.4.4.1 does not have corresponding objectives under which a merit assessment may be conducted. Instead, an assessment is carried out in regards to the requirements of the clause, as follows:

In particular, awnings may be permitted where:

- a) development abuts pedestrian ways;*
- b) aligned with adjoining awnings in height and width;*
- c) it can be demonstrated the specific need for protection of goods or from weather and sun;*
- d) through site links are not obscured; and where*
- e) lighting under the awnings is provided for pedestrian safety and security.*

Comment:

The proposed awning is located above a pedestrian pathway and the pedestrian entry to the building. The awning height non-compliance arises to match the existing awning to the remainder of the Ivanhoe hotel. The awning is set above the minimum height required of a habitable room according to the National Construction Code, thus providing sufficient headroom. The proposed awning provides shelter from weather for pedestrians accessing the site. No through site links exists on site. No additional lighting under the awnings is proposed. However, the subject site is located on a highly trafficked pedestrian walkway, which is sufficiently lit for safety and security.

In accordance with the above, the proposed awning is acceptable on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$8,602 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$860,200.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0574 for Change of use to a pub, alterations and additions to the premises, fitout and signage on land at Lot CP SP 12989, 19 - 23 The Corso, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 00 1 01 C Ground Floor: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 01 1 01 B Level 1: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 00 1 01a C Ground Floor: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 00 1 02 D Ground Floor Proposed	22 May 2019	Paul Kelly Design

Plan		
DA 01 1 01a C Level 1: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 01 1 02 C Level 1: Proposed Plan	22 May 2019	Paul Kelly Design
DA 02 1 01 A Roof: Existing / Demolition Plan	21 March 2019	Paul Kelly Design
DA 02 1 02 A Roof: Proposed Plan	21 March 2019	Paul Kelly Design
DA 00 2 01 A External Elevation Existing / Demolition South-Eastern: The Corso	21 March 2019	Paul Kelly Design
DA 00 2 02 A External Elevation Proposed South-Eastern: The Corso	21 March 2019	Paul Kelly Design
DA 00 2 03 A External Elevation Existing / Demolition North-Western: Market Place	21 March 2019	Paul Kelly Design
DA 00 2 03 A External Elevation Proposed North-Western: Market Place	21 March 2019	Paul Kelly Design
Ivanhoe Hotel DA Signage - Players Lounge The Corso & Market Place Facades	23 May 2019	The Bar Brand People

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Accessibility Assessment Report	23 May 2019	City Plan
Acoustical Report	13 May 2019	Koikas Acoustics
Statement of Heritage Impact	3 June 2019	NBRS Architecture
Plan of Management	April 2019	Design Collaborative
Traffic and Parking Assessment Report	24 May 2019	Varga Traffic Planning

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management	3 June 2019	Applicant

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a pub. A pub is defined as:

Pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

(As defined by the Manly Local Environment Plan 2013 Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative

- change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
 - (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
 - (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
 - (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
 - (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$8,602.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$860,200.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Construction Management Program

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community

8. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

9. Submission of Survey

All works are to be contained wholly within the subject site. A survey, prepared by a Registered Surveyor, identifying the boundaries of the subject site and all existing structures/buildings, is to be prepared. The plans submitted for the Construction Certificate are to accurately reflect the boundaries as shown on the survey. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site.

10. Submission of Plans for Market Lane Footpath Reconstruction

Prior to the issue of the Construction Certificate, plans are to be submitted for approval to Council's Engineer demonstrating how the footpath and drainage at the Market Lane frontage of the site will be reconstructed to provide a footpath at a continuous grade along the rear of the site.

Reason: To improve pedestrian safety and amenity.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

12. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

13. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

14. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure the developer/builder adheres to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

15. **Noise**

1. The proposed development must comply with all design and operational recommendations contained within the acoustic report by Koikas Acoustic Pty Ltd dated 13 May 2019.
2. The patron management plan is to be extended to incorporate the new pub areas, particularly at Entry/Exit points, to ensure patrons do not linger at these points at night time and create a noise nuisance to adjoining residents (ongoing).

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate

Reason: To minimise any potential noise nuisance to adjoining residential receivers.

16. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

17. **Market Lane Footpath Construction**

Prior to the issue of the Occupation Certificate, the footpath along Market Lane for the length of the subject site shall be reconstructed including any associated drainage adjustments in accordance with the approved footpath construction.

Reason: Pedestrian safety and amenity.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

18. **Waste/Recycling - Ongoing Storage and Collection**

Waste/Recycling containers must remain within the premises at all times except when being emptied.

Reason: To avoid the escape of waste and litter into the environment. To avoid dumping in and around exposed waste containers and to reduce the impact of waste storage on the amenity of the surrounding area.

19. **Hours of Operation**

The hours of operation for the gaming room are to be restricted to:

- Players Lounge: 7:00am to 1:00am (following day) daily

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease,

no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

20. **Signage Illumination**

Signage must only be illuminated during consented hours of operation.

Reason: To ensure reasonable amenity.

21. **Premises Management**

Operation of the premises must be carried out in accordance with the approved Plan of Management.

Reason: To ensure orderly operation of the premises.

22. **Gaming Room Relocation**

On relocation of the gaming room to part 19-23 The Corso, the existing gaming room at the rear of 31 The Corso will no longer be accessible by the public, unless otherwise permitted by further development consent. The front of 31 The Corso remains a pub until 15 July 2024 or when the lease expires, whichever comes earlier. The Ivanhoe Hotel will no longer occupy 31 The Corso from that date and the use at 31 The Corso will revert to a shop unless otherwise authorised through a development consent.

Reason: To ensure no intensification of the use of the site as a pub.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Claire Ryan, Principal Planner

The application is determined on 03/10/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments